

U.S. District Court **OR No.: 3:20-mj-125**
District of Montana (Great Falls)
CRIMINAL DOCKET FOR CASE #: 4:18-cr-00084-BMM-1

Case title: USA v. Archdale

Date Filed: 10/17/2018

Date Terminated: 10/22/2018

Assigned to: Judge Brian Morris

Defendant (1)

Kenneth Tex Archdale

TERMINATED: 10/22/2018

represented by

Rachel Julagay

FEDERAL DEFENDERS OF
MONTANA - GREAT FALLS

Office Headquarters, Great Falls

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Great Falls, MT 59401-3645

(406) 727-5328

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or

Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:1791C.F INMATE IN
POSSESSION OF A PROHIBITED
OBJECT

Disposition

REVOCATION HEARING held
6/18/19: BOP 6 MONTHS. This term
consists of 6 months on CR-14-95-GF-
BMM-01, and 6 months on CR-18-84-
GF-BMM-01, to run concurrently.

Supervised Release: 24 months. This term consists of 24 months on CR-14-95-GF-BMM-01, and 24 months on CR-18-84-GF-BMM-01, to run concurrently.

Plaintiff

USA

represented by **Ryan G. Weldon**
 U.S. ATTORNEY'S OFFICE -
 MISSOULA
 105 E. Pine, 2nd Fl.
 PO Box 8329
 Missoula, MT 59807
 406-542-8851
 Fax: 406-542-1476
 Email: Ryan.Weldon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
10/17/2018	1	Transfer of Jurisdiction Order signed by Judge Brian Morris of the District of Montana and Judge Thad Heartfield of the Eastern District of Texas. The Probation/Supervised Release Jurisdiction of Defendant Kenneth Tex Archdale is being transferred to Montana. The original Transfer of Jurisdiction Order has been mailed to the Eastern District of Texas for processing and will be returned as to Kenneth Tex Archdale. (MMS) (Entered: 10/17/2018)
10/17/2018	2	Report of Offender Under Supervision as to Kenneth Tex Archdale. Signed by Judge Brian Morris on 10/17/2018. (MMS) (Entered: 10/17/2018)
10/22/2018	3	TRANSFER OF JURISDICTION for Supervision of Releasee Kenneth Tex Archdale. Received certified copies of indictment, judgment and docket sheet from Eastern District of Texas (Attachments: # 1 Indictment, # 2 Judgment, # 3 Letter) (MMS) (Entered: 10/22/2018)
01/08/2019	4	PETITION FOR WARRANT OR SUMMONS AND ORDER (FORM 12C) as to Kenneth Tex Archdale. Signed by Judge Brian Morris on 1/8/2019. (ACC) (Entered: 01/08/2019)
06/11/2019		Set/Reset Hearings as to Kenneth Tex Archdale: Initial Appearance on Revocation Proceedings set for 6/18/2019 at 11:00 AM in Great Falls, MT before Judge Brian Morris. (MMS) (Entered: 06/11/2019)
06/18/2019	6	MINUTE ENTRY for INITIAL APPEARANCE ON REVOCATION AND REVOCATION HEARING held 6/18/19 before Judge Brian Morris: AUSA Kalah Paisley, FD Rachel Julagay, defendant (in custody), present. Hearing held in conjunction with Revocation Hearing in CR-14-95-GF-BMM. Defendant

		<p>waives Initial Appearance. Court reviews Petition. Defendant will be admitting to all violations with the exception of violation #4. Government will dismiss allegation #4 if defendant admits to the remaining violations. Defendant S/T. Defendant has read and understands violations. Rights advised. Allegation and maximum penalties reviewed. Defendant admits to violations 1,2,3,5,6,7 contained in the petition. Court finds Defendant has violated conditions and revokes supervised release. Allocution; AUSA with response. Court sentences Defendant to the custody of the BOP for a period of 6 MONTHS with 24 months of supervised release to run concurrent with CR-14-95-GF-BMM. Conditions stated. No objections from counsel. Appeal rights given. Defendant remanded into custody of USM. Hearing commenced at 11:05 a.m. (Court Reporter Yvette Heinze) (USPO: M. Eliason), (Law Clerk: R. Douglas), (Hearing held in Great Falls) (MMS) (Entered: 06/18/2019)</p>
06/18/2019	7	<p>JUDGMENT ON REVOCATION OF SUPERVISED RELEASE TERM: BOP 6 MONTHS. This term consists of 6 months on CR-14-95-GF-BMM-01, and 6 months on CR-18-84-GF-BMM-01, to run concurrently. Supervised Release: 24 months. This term consists of 24 months on CR-14-95-GF-BMM-01, and 24 months on CR-18-84-GF-BMM-01, to run concurrently sentence imposed as to Kenneth Tex Archdale. Signed by Judge Brian Morris on 6/18/2019. (SLR) (Entered: 06/18/2019)</p>
06/18/2019	8	<p>Personal Identifier Page regarding the 7 Judgment on Revocation of SRT, as to Kenneth Tex Archdale. Signed by Judge Brian Morris on 6/18/2019. (SLR) (Entered: 06/18/2019)</p>
06/28/2019	9	<p>Arrest Warrant Returned Executed on 6/7/19 in case as to Kenneth Tex Archdale. (ACC) (Entered: 06/28/2019)</p>
07/01/2019	10	<p>AMENDED JUDGMENT ON REVOCATION OF SUPERVISED RELEASE TERM, BOP 6 MONTHS. This term consists of 6 months on CR-14-95-GF-BMM-01, and 6 months on CR-18-84-GF-BMM-01, to run concurrently. Followed by six months at the Great Falls Pre-Release Center following his custodial sentence or at the earliest available bed date. Supervised Release: 24 months. This term consists of 24 months on CR-14-95-GF-BMM-01, and 24 months on CR-18-84-GF-BMM-01, to run concurrently sentence as to Kenneth Tex Archdale. Signed by Judge Brian Morris on 7/1/2019. (ACC) Modified on 7/1/2019 (ACC). (Entered: 07/01/2019)</p>
07/01/2019	11	<p>Personal Identifier Page regarding the 10 AMENDED Judgment on Revocation of SRT,as to Kenneth Tex Archdale. Signed by Judge Brian Morris on 7/1/2019. (ACC) (Entered: 07/01/2019)</p>
07/17/2019	12	<p>Unopposed MOTION to Amend/Correct 10 Judgment on Revocation of SRT,, by Kenneth Tex Archdale. (Attachments: # 1 Text of Proposed Order Order Amending Judgment) (Julagay, Rachel) (Entered: 07/17/2019)</p>
07/18/2019	13	<p>ORDER: Defendant Kenneth Tex Archdale, having filed a 12 Motion to Amend Judgment, there being no objection from the Government; IT IS HEREBY ORDERED that the Amended Judgment (Docs. 10, 35), be amended to strike the six months placement at the Great Falls Pre-Release Center following his</p>

		term of imprisonment. Signed by Judge Brian Morris on 7/18/2019. (ACC) (Entered: 07/18/2019)
07/18/2019	14	SECOND AMENDED JUDGMENT ON REVOCATION OF SUPERVISED RELEASE TERM, BOP 6 months. This term consists of 6 months on CR 14-95-GF-BMM-01 and 6 months on CR 18-84-GF-BMM-01, to run concurrently. Supervised Release 24 months. This term consists of 24 months on CR 14-95-GF-BMM-01 and 24 months on CR 18-84-GF-BMM-01, to run concurrently sentence imposed as to Kenneth Tex Archdale. Signed by Judge Brian Morris on 7/18/2019. (ACC) (Entered: 07/18/2019)
07/18/2019	15	Personal Identifier Page regarding the 14 Judgment on Revocation of SRT, as to Kenneth Tex Archdale. Signed by Judge Brian Morris on 7/18/2019. (ACC) (Entered: 07/18/2019)

UNITED STATES DISTRICT COURT

District of Montana

Case No. 3:20-mj-125

UNITED STATES OF AMERICA

v.

KENNETH TEX ARCHDALE

Second Amended Judgment in a Criminal Case(For **Revocation** of Probation or Supervised Release)

Case No. CR 18-84-GF-BMM-01 and CR 14-95-GF-BMM-01

USM No. 07590-046

Rachel Julagay

Defendant's Attorney

THE DEFENDANT:☒ admitted guilt to violation of condition(s) as listed below of the term of supervision.☐ was found in violation of condition(s) count(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1 (Special condition)	Failure to participate in substance abuse treatment	12/26/2018
2 (Special condition)	Failure to participate in substance abuse testing	10/12/2018
3 (Standard condition)	Failure to notify USPO of law enforcement contact	09/10/2018
5 (Standard condition)	Failure to notify USPO of law enforcement contact	12/15/2018

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 056806/18/2019

Date of Imposition of Judgment

Defendant's Year of Birth: 1988

Signature of Judge

City and State of Defendant's Residence:
Poplar, MTBrian Morris, United States District Judge

Name and Title of Judge

07/18/2019

Date

DEFENDANT: KENNETH TEX ARCHDALE

CASE NUMBER: CR 18-84-GF-BMM-01 and CR 14-95-GF-BMM-(

ADDITIONAL VIOLATIONS

[illegible]

DEFENDANT: KENNETH TEX ARCHDALE

CASE NUMBER: CR 18-84-GF-BMM-01 and CR 14-95-GF-BMM-(

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

6 months. This term consists of 6 months on CR 14-95-GF-BMM-01 and 6 months on CR 18-84-GF-BMM-01, to run concurrently. *

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: KENNETH TEX ARCHDALE

CASE NUMBER: CR 18-84-GF-BMM-01 and CR 14-95-GF-BMM-(

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

24 months. This term consists of 24 months on CR 14-95-GF-BMM-01 and 24 months on CR 18-84-GF-BMM-01, to run concurrently.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: KENNETH TEX ARCHDALE

CASE NUMBER: CR 18-84-GF-BMM-01 and CR 14-95-GF-BMM-(

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: KENNETH TEX ARCHDALE

CASE NUMBER: CR 18-84-GF-BMM-01 and CR 14-95-GF-BMM-I

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall participate in and successfully complete a program of substance abuse treatment as approved by the United States Probation Office, until the defendant is released from the program by the probation officer. The defendant is to pay part or all of the cost of this treatment, as directed by the United States Probation Office.
2. The defendant shall abstain from the consumption of alcohol and shall not enter establishments where alcohol is the primary item of sale.
3. The defendant shall participate in substance abuse testing to include not more than 104 urinalysis tests, not more than 104 breathalyzer tests, and not more than 36 sweat patch applications annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.
4. The defendant shall not possess, ingest or inhale any toxic substances such as, but not limited to, synthetic marijuana, kratom and/or synthetic stimulants such as bath salts and spice, that are not manufactured for human consumption, for the purpose of altering the defendant's mental or physical state.
5. The defendant shall not purchase, possess, use, distribute or administer marijuana, or obtain or possess a medical marijuana card or prescription.
6. The defendant shall comply with Violent Offender Registration requirements for convicted offenders in any state in which the defendant resides.
7. The defendant shall submit their person, residence, place of employment, vehicles, and papers, to a search, with or without a warrant by any probation officer based on reasonable suspicion of contraband or evidence in violation of a condition of release. Failure to submit to search may be grounds for revocation. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. The defendant shall allow seizure of suspected contraband for further examination.
8. The defendant shall have no contact with victim(s) in the instant offense.
9. The defendant shall pay restitution in 0977 4:14CR00095-001 in the amount of \$53,965 as directed by United States Probation. Payment shall be made to the Clerk, United States District Court, Missouri River Courthouse, 125 Central Ave West, Ste. 110, Great Falls, Montana 59404 and shall be disbursed to:

Devin Salinger \$14,832.11
PacificSource Health Plans
Attn: Third Party
P.O. Box 7068
Springfield, Oregon 97475

PacificSourch Health Plans \$39,132.89
Attn: Third Party
PO Box 7068
Springfield, OR 97475